

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FEDERAL TRADE COMMISSION,
Plaintiff,

Case No. 3:19-cv-02281-K

vs.

MATCH GROUP, INC., a corporation, and
MATCH GROUP, LLC, formerly known as
MATCH.COM, LLC, a limited liability
company,

Defendants.

**DEFENDANTS MATCH GROUP, INC. AND MATCH GROUP, LLC’S RESPONSE IN
OPPOSITION TO THE FTC’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Civil Rule 56.4, Defendants Match Group, Inc. (“MGI”) and Match Group, LLC (“MGL”) respectfully submit this Response (the “Response”) in Opposition to the FTC’s Motion for Summary Judgment (the “Motion”). In support of this Response, Defendants submit their accompanying Brief in Support of the Response (the “Brief”), Appendix in Support of the Response, and Proposed Order Denying the Motion. Pursuant to Local Civil Rule 56.4(b), the matters required under Local Civil Rule 56.4(a) are set forth in the Brief.

First, MGI and MGL ask the Court to deny the Motion as to the FTC’s cancellation count, Count V, for three separate reasons: (1) the FTC did not provide constitutional fair notice of its novel interpretation of the Restore Online Shoppers’ Confidence Act’s “simple mechanisms” requirement, *see Br. § III.A.1*; (2) Match.com provides “simple mechanisms” to cancel wholly apart from the online cancellation flow at issue in this case, *see Br. § III.A.2*; and (3) the FTC has not met its burden to show that the online cancellation flow is not simple as a matter of law, *see Br. § III.A.3*.

Second, MGI and MGL ask the Court to deny the Motion as to the FTC's Guarantee (as defined in the Brief) count, Count III, for two separate reasons: (1) the FTC has not met its burden that there is a reasonable likelihood of future violations, *see Br. § III.B.1*, and (2) the FTC has not met its burden that the Guarantee violated the FTC Act, *see Br. § III.B.2*.

Third, MGI and MGL ask the Court to deny the Motion as to the FTC's Chargeback Policy (as defined in the Brief) count, Count IV, for two separate reasons: (1) the FTC has not met its burden that there is a reasonable likelihood of future violations, *see Br. § III.B.1*, and (2) the FTC has not met its burden that the Chargeback Policy violated the FTC Act, *see Br. § III.B.3*.

Fourth, MGI additionally asks the Court to deny the Motion as to the FTC's claims against MGI. *See Br. § III.C*. The FTC has not met its burden to hold MGI, as indirect parent, liable for Counts III, IV, and V because (1) the FTC's attempt to create a lower standard for itself is wrong on the law and on the facts, *see Br. § III.C.1*; (2) MGI does not own Match.com, *see Br. § III.C.2*; (3) MGI does not operate Match.com, *see Br. § III.C.3*; and (4) MGI does not have authority to control Match.com, *see Br. § III.C.4*.

Fifth, MGI and MGL ask the Court to deny the Motion as to the FTC's requested relief. *See Br. § III.D*. Because the FTC has not met its burden on liability for Counts III, IV, or V, the FTC is not entitled to any remedy. Even if the FTC had met its burden as to liability (and it has not), the FTC has not met its burden on (1) its claim for \$161,737,240 in civil penalties, *see Br. § III.D.1.a*, (2) its claim for \$51,118,804.92 in consumer redress, *see Br. § III.D.1.b*, or (3) the proposed injunction that it seeks, *see Br. § III.D.2*.

[signature page to follow]

Dated: October 16, 2023

/s/ Angela C. Zambrano

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2023, I caused true and correct copies of the foregoing to be served on all counsel of record in accordance with Federal Rules of Civil Procedure and this Court's CM/ECF filing system.

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